

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric BORNSTEIN
Title: Near infrared microbial elimination
laser system
Appl. No.: 10/649910
Filing Date: 8/26/2003
Examiner: David M. Shay
Art Unit: 3769
Confirmation Number: 5770

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated January 23, 2009, rejecting Claims 21-31.

[X] Applicant claims small entity status.

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[X] Notice of Appeal Fee

[X] To be paid as detailed below

The required fees are calculated below:

[X]	Notice of Appeal Fee	\$540.00
[X]	Extension for response filed within the third month:	\$1,110.00
	FEE TOTAL:	\$0.00
[X]	Small Entity Fees Apply (subtract ½ of above):	\$0.00
	TOTAL FEE:	\$825.00

The above-identified fees of \$825.00 are being paid by credit card via EFS-Web.

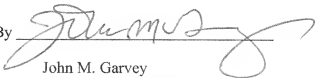
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16, 1.17 and 41.20, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date July 23, 2009

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By 

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